bankruptcy can avail himself of the defense of usury as against an obligation of the bankrupt. *In re Kellogg*, 10 Am. B. R. 7. A trustee, under operation of the Bankruptcy Law, is a privy in estate with the borrower, and stands in the same relation with a mortgagee as the bankrupt stands, so far as the defense of usury is concerned. *Knickerbocker Life Ins. Co. v. Nelson*, 78 N. Y. 150. The trustee stands in the shoes of the bankrupt. *Bankruptcy Act*, 70 a; *Wheelock v. Lee*, 64 N. Y. 243. He is his legal representative. *Wright v. First Nat. Bank*, Fed. Cas. No. 18078; *Collier on Bankruptcy*, 2nd. Ed., 415-417.

BANKRUPTCY—INVENTOR'S RIGHTS BEFORE PATENT—TRANSFER.—IN RE DANN, 129 FED. 495.—The Bankruptcy Act expressly provides for a transfer, to the trustee in bankruptcy, of the bankrupt's interest in patents, patent rights, copyrights and trade marks, and Rev. Stat. Sec. 4895, clause 5, provides for a surrender of all property, which, prior to filing of petition, the bankrupt could by any means have transferred. *Held*, that a bankrupt's incorporeal interest in an alleged invention pending application for patent, was not such property as would pass to his trustee.

This question seems not to have arisen before in this country, and in the only English case found on the point the holding of the court was contrary to the decision in the present case. *Hesse v. Stevenson*, 3 Bos. & P. 565. In the absence of statutes, an inventor has rights to the fruits of his ingenuity, but he cannot prevent others from enjoying them to the same extent. *Patterson v. Kentucky*, 97 U. S. 501, 507. Substantial property right of exclusive use in an invention is created alone by patent. *Gayler v. Wilder*, 10 How. 477. An assignment of patent rights is good, though the invention be not then patented. *Hendrie v. Sayles*, 98 U. S. 546; *Dalzell v. Dueber Watch Case Mfg. Co.*, 149 U. S. 315. Materials of a newly invented machine pass to the trustee, though the patent for the invention has not then been granted. *Sawin v. Guild*, 1 Gallis. 485. It is difficult to see the reason for holding that the inventor has property right enough in his invention before patent to make a valid assignment, but that in case of an assignment by operation of law he has not such property rights, if his invention be not then patented. There are *dicta*, however, in the well-considered case of *Gillett et al. v. Bate et al.*, 86 N. Y. 87, which support the decision in the present case.

BRIBERY—VALIDITY OF ACT.—STATE V. LEHMAN, 81 S. W. 1118 (Mo.).—*Held*, that in order to constitute bribery it is not necessary that the vote of the official bribed should be on a valid measure.

The present case is in harmony with the rule laid down in *Glover v. State*, 109 Ind. 391, where a local official was held to be guilty of bribery, although the contract which he was bribed to make was not binding upon the township. It is also held in some jurisdictions to be immaterial whether or not the official bribed possessed the authority requisite to perform the act. *In re Bozeman*, 42 Kan. 451. But the rule in the Federal courts is otherwise. *U. S. v. Gibson*, 47 Fed. 833; *U. S. v. Boyer*, 85 Fed. 425. An offer to bribe a judge as to the decision of a case to be instituted before him in the future, where, however, it was never actually commenced, is indictable at common law. *People v Markham*, 64 Cal. 157. But the offering of money to a legislator to vote for a certain person to fill an office which does not in fact exist is not bribery. *Com. v. Reese*, 16 Ky. L. 493. Since the gist of the offense